

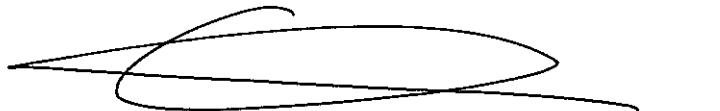
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MARLAYNA G. TILLMAN, :
: Plaintiff, : C.A. Number: 04-1314
: :
: v. :
: THE PEPSI BOTTLING GROUP, INC., :
and TEAMSTERS LOCAL UNION 830 :
: Defendants. :
:

**MOTION FOR SUMMARY JUDGMENT AND SANCTIONS OF
DEFENDANT BOTTLING GROUP, LLC**

Defendant Bottling Group, LLC by its undersigned attorneys, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 56(c) for an order granting judgment in its favor and against Plaintiff on Counts I and II of Defendant's counterclaim and for an order assessing sanctions against Plaintiff. The reasons for this motion are set forth in the accompanying Memorandum of Law.

Respectfully submitted,



William M. Kelleher (#3961)
Ballard Spahr Andrews & Ingersoll, LLP
919 Market Street, 12th Floor
Wilmington, DE 19801
(302) 252-4460

OF COUNSEL:
Daniel V. Johns
Lucretia C. Clemons
Aisha M. Barbour
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
(215) 665-8500